

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	Case No.: 3:06cr141-MEF
)	
CLAUDE JEROME WILSON, II)	

UNOPPOSED MOTION TO CONTINUE TRIAL

COMES NOW the Defendant, Claude Jerome Wilson, by and through his undersigned counsel, Michael J. Petersen, and moves this Court to continue his case past the presently scheduled date of April 28, 2008. As grounds for granting this Motion, Defendant would show the following:

1. On June 14, 2006 Claude Wilson was charged in a one-count Indictment with being a felon in possession of a firearm.
2. Undersigned counsel needs additional time to adequately prepare for trial or to negotiate a pretrial resolution of this matter. As such, a continuance is essential to complete investigation this case.
3. As a result of counsel's investigation into this matter, undersigned counsel has met with and is presently negotiating with the District Attorney for Russell County, Alabama, with the knowledge of the Government, for Claude Wilson to assist the State of Alabama in the prosecution of Lisa Graham in Russell County Circuit Court cases CC-2007-000687.00 (Capital Murder - Shots fired from a vehicle) and CC-2007-000686.00 (Capital murder for hire). Mr. Wilson is expected to be a material witness in the trial(s) of these matters. The trial in these cases is presently set for April 21, 2008.
4. Undersigned counsel has discussed Mr. Wilson's potential cooperation with Russell

County authorities with counsel for the Government, Chris Snyder. Any such cooperation will substantially impact upon Mr. Wilson's decision to either try the instant matter in this Court, or to negotiate a plea agreement. Should Mr. Wilson substantially assist Russell County authorities in the resolution of their cases, such assistance may affect the terms of any negotiated resolution of the instant matter. A continuance is essential in order to fully investigate and negotiate any cooperation with the Russell County authorities.

5. The Government, through Assistant United States Attorney Chris Snyder, has no opposition to the granting of this Motion.

6. While requests for a continuance are addressed to the sound discretion of the trial court, *United States v. Darby*, 744 F.2d 1508, 1521(11thCir. 1984), *reh'g denied* 749 F.2d 733, *cert. denied*, 471 U.S. 1100 (1985), undersigned counsel feels that, in this case, the ends of justice will be served by allowing the defense adequate time to review all potentially relevant information and negotiate with the District Attorney for Russell County, Alabama, for Claude Wilson to assist the State of Alabama in the prosecution of Lisa Graham in Russell County Circuit Court. Mr. Wilson is expected to be a material witness in the trial(s) of these matters. In addition, with the Lisa Graham trial set for April 21, 2008, undersigned counsel will require additional time to review the result of said trial and properly advise his client as to whether to proceed to trial or negotiate a pretrial resolution.

WHEREFORE, based upon the foregoing, undersigned respectfully requests that his trial be continued beyond the presently scheduled date of April 28, 2008.

Dated this 1st day of April, 2008.

Respectfully submitted,

s/ Michael J. Petersen

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ASB-5072-E48M

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CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Chris Snyder, AUSA, 131 Clayton Street, Montgomery, AL 36104.

Respectfully submitted,

s/ Michael J. Petersen
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